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Summary of Qualifications and Requirements for
NONPARTISAN NOMINATION
for the Office of
State Superintendent of Public Instruction

March 5, 2002 Primary Election

I. QUALIFICATIONS

A candidate shall:

- A. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. § 201¹
- B. Not have served two terms as State Superintendent of Public Instruction since November 6, 1990. Cal. Const. Art. IX §2

II. REQUIREMENTS

A. CAMPAIGN COMMITTEE FILINGS AND RESPONSIBILITIES

Any individual who intends to be a candidate for an elective office shall:

1. Statement of Intention

File with the Secretary of State Political Reform Division a statement of intention to be a candidate for a specific office (Form 501). This statement shall be signed under penalty of perjury and filed prior to the solicitation or receipt of any contribution or loan, including personal funds used for campaign purposes. Gov. Code §85200

2. Campaign Contribution Account

Establish one campaign contribution account at an office of a financial institution located in California upon filing the statement of intention.

- a. All contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate's controlled committee

¹ Unless otherwise stated, all code section references are to the California Elections Code.

shall be deposited in the account.

b. Any personal funds, which will be used to promote the election of the candidate, shall be deposited in the account prior to expenditure.

c. All campaign expenditures shall be made from the account.

Gov. Code §§85200 & 85201

3. Exceptions

a. Parts 1 and 2 (c) and (d), above, do not apply to a candidate's payment of a filing fee and statement of qualifications fee from his or her personal funds.

Gov. Code §§85200 & 85201(f)

b. Part 2, above, does not apply if the candidate does not receive contributions and makes campaign expenditures from personal funds of less than \$1,000 in a calendar year, excluding payment of the filing fee and statement of qualifications fee.

Gov. Code §85201(g)

If a candidate later spends \$1,000 or more in a calendar year, he or she must establish a campaign contribution account before the \$1,000 expenditure threshold is reached. The required account information shall be filed with the Secretary of State Political Reform Division within 5 days of establishing the account.

Gov. Code §85201(h)

B. DECLARATION OF INTENTION

Between October 29 and November 7, 2001, a candidate must file a declaration of intention with the Secretary of State or the elections official of the county in which the candidate resides.

§8022

If the incumbent officeholder has not filed a declaration of intention to succeed to the same office, then any person, other than the incumbent, may file such a declaration during the extension period of November 8 through November 12, 2001.

§8022

This extension will not apply if the incumbent failed to file a declaration of intention because of the term limits set forth in the California Constitution.

§8022 & CA Const., Art. IX, §2

C. FILING FEE OR SIGNATURES IN LIEU

Filing Fee

Pay a filing fee equal to 2% of the first year's salary. Currently, the filing fee for State Superintendent of Public Instruction is \$2,975. The filing fee must be paid at the time the candidate files the declaration of intention; **or**

§§8103 & 8105

Signatures In Lieu of Filing Fee

Submit by November 7, 2001, a minimum of 10,000 valid signatures for State Superintendent of Public Instruction on petitions in lieu of filing fee.

§§8105, 8106

1. The petitions for in-lieu signatures may be obtained from the county elections official and circulated between September 28 and November 7, 2001. Sections of petitions in lieu of filing fee shall be filed with the county elections official of the county in which the signers reside. §8106
2. The candidate may submit signatures to cover all or any portion of the filing fee. §8106(b)(3)
3. Any registered voter in California may sign the in-lieu-of-filing-fee petition. §8106(a)(3)
4. Each circulator of an in-lieu-of-filing-fee petition shall be a registered voter in California. The circulator shall serve within the county in which he or she resides. §8106(b)(4)
5. Within 10 days after receipt of the petition, the county elections official shall notify the candidate of any deficiency. The candidate shall then, prior to December 7, 2001, either submit a supplemental petition containing additional signatures or pay a pro rata portion of the filing fee to cover the deficiency. §8106(b)(3)
6. Signatures in lieu of the filing fee may be used for the nomination sponsor signature requirement. §8106(d)

D. NOMINATION DOCUMENTS

1. Between November 12 and December 7, 2001, obtain nomination documents from the county elections official. Nomination documents include a set of nomination papers for collecting signatures and a declaration of candidacy that must be executed by the candidate. §§333 & 8020
 - a. If the incumbent has filed a declaration of intention but fails to file the nomination documents by December 7, 2001 any other person, if otherwise qualified, may obtain and file the nomination documents not later than December 12, 2001 even if the person has not filed a declaration of intention previously. §8022(b)
 - b. The declaration of candidacy shall be obtained from, and delivered to, the county elections official of the county in which the candidate resides and is a voter. §8064

- c. Upon request of a candidate, the county elections official shall provide the candidate with a declaration of candidacy. The county elections official shall not require a candidate to sign, file, or sign and file a declaration of candidacy as a condition of receiving nomination papers. §8020 (d)
 - d. The county elections official shall require all candidates filing a declaration of candidacy to execute the declaration in his or her office unless the candidate designates a third party to obtain the declaration form from the county elections official and to deliver it to the candidate. The written statement shall state that the candidate is aware that the declaration of candidacy must be properly executed and delivered not later than December 7, 2001 to the office of the county elections official from whom it was received. The statement must be signed and dated by the candidate. §8028
2. Nomination Signatures
- Secure between 65 and 100 signatures on the nomination paper prior to filing. §8062
- a. Signatures on the in-lieu-of-filing-fee petitions may satisfy this signature requirement. §8061
 - b. All signers must be registered voters in California. §8068
 - c. The candidate may appoint persons to circulate the nomination paper.
 - (1) Circulators shall be registered voters in California. §8066
 - (2) Each circulator shall circulate the petition only in the county in which he or she resides. §8106(b)(4)
 - d. Between November 12 and December 7, 2001, each section of the nomination paper shall be delivered to the county elections official of the county in which the signer resides and is a voter. §8020
2. If only an incumbent and one other candidate, excluding write-ins, have qualified to have their name placed on the ballot, and if either candidate dies after December 7 but on or before December 12, 2001, any qualified person may circulate and deliver nomination documents for the nonpartisan office to the county elections official by 5:00 p.m. on December 21, 2001. §8027

E. STATEMENT OF ECONOMIC INTERESTS

Each candidate must file a Statement of Economic Interests with the county elections official disclosing investments, interests in real property, and any income received during the immediately preceding 12 months pursuant to the requirements of the Political Reform Act of 1974, As Amended.

Gov. Code §87201

This statement is to be filed between November 12 and December 7, 2001. It is not required if the candidate has filed such statements within the past sixty days for the same jurisdiction.

III. GENERAL INFORMATION

- A. Each of the forms mentioned above is available free of charge from the county elections official.
- B. The term of office for State Superintendent of Public Instruction is four years, beginning January 6, 2003.
- C. Because of the requirements of the Political Reform Act, As Amended, a candidate should contact the Political Reform Division of the Secretary of State's Office (1500 11th Street, 4th floor, Sacramento, California 95814) for the most recent copy of the Information Manual on Campaign Disclosure Provisions of the Political Reform Act, which gives the filing requirements for reporting campaign contributions, etc.

IMPORTANT NOTICE

This Information Sheet of Qualifications and Requirements is for general information only and does not have the force and effect of law, regulation or rule. In case of conflict, the law, regulation or rule will apply. The candidate should obtain the most up-to-date information available because of possible changes in law or procedure since the publication of this information.